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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,633	02/14/2001	Steven R. Bailey	6006-009	2694

7590

12/08/2003

David G Rosenbaum  
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875 North Michigan Avenue  
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Chicago, IL 60611

EXAMINER

BARRETT, THOMAS C

ART UNIT

PAPER NUMBER

3738

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER
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**Commissioner for Patents**

See attached

Art Unit: 3738

## **DETAILED ACTION**

### ***Election/Restrictions***

Newly submitted claims 23-47 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the present claims are directed towards one patentably distinct invention that includes both Species I and III as admitted by the Applicant. Species II was the originally elected Species.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-47 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Because claims 23-47 are withdrawn, there are no claims to examine and the amendment is considered non-responsive.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas C. Barrett whose telephone number is (703) 308-8295. The examiner can normally be reached Tuesday-Friday between 9:00 A.M. and 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (703) 308-2111. The fax phone

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numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

A handwritten signature in black ink, appearing to read 'Thomas Barrett', with a stylized flourish at the end.

Thomas Barrett  
December 5, 2003